

# **Order from Chaos: The Transformation of the Committee System in the House, 1816–1822**

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Draft of January 3, 1999

Prepared for presentation at the UCSD-Stanford Conference on the History of Congress, January 15–16, 1999. Earlier versions of this paper were presented at the 1997 annual meeting of the American Political Science Association and the 1998 UCSD-Stanford Conference on the History of Congress.

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The Transformation of the Committee System in the House, 1816–1822

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The early decades of the nineteenth century are the primordial soup from which modern congressional features have evolved. The roots of today's political parties were set down (McCormick, 1966, 1982; Chambers and Burnham, 1967; Burnham 1970; Hoadley, 1980; Aldrich 1995), majoritarian rules of procedure were imposed (Binder 1995, 1997) and, the business of Congress was put into the hands of its standing committees (Harlow, 1917; Cooper 1970; Skladony 1985; Swift, 1996; Gamm and Shepsle, 1989; Cooper and Young, 1989; Strahan, 1994; Stewart, et al., 1995; Jenkins, 1998).

This last evolutionary development has attracted the most recent attention from scholars. In the first three decades of the nineteenth century the transformation of the congressional committee system was stunning. In both the House and Senate, the basic flow of business changed from a path dominated by *ad hoc* select committees to one dominated by permanent standing committees.

What do we make of this transformation? Surprisingly little scholarship has taken a detailed look at the causes and consequences of the rise of congressional standing committees. The empirical analysis is still preliminary. We propose to help advance this line of research by exploring two important reform episodes in the gradual transformation of the House committee system of the 1810s and 1820s. These episodes are, first, the establishment of a dozen standing committees to oversee executive branch expenditures (1816) and, second, the elevation of three

important long-standing select committees (Foreign Affairs, Military Affairs, and Naval Affairs) to the ranks of the standings (1822).

Members of Congress (MCs), individually and collectively, face a series of social choice problems that arise from their service in a majority rule institution. Some of these problems pertain to the provision of public goods, like well-informed decisionmaking and political stability. Simultaneously, individual MCs have more particular political goals, like reelection and assisting political supporters, that can sometimes only be achieved by fashioning majority coalitions out of a set of particular interests—coalitions, theory tells us, that are inherently unstable. The rational choice literature on Congress suggests that it is committees that provide the most effective means of overcoming these problems.

Modern students of Congress have had the luxury of applying rational choice theories to an institution whose committees are long-established and well-documented. Its members are willing and available (i.e., alive) to talk to social scientists about their motivations for altering the committee system as it evolves. Our cup of data documenting inputs and outputs of committee behavior overfloweth. Therefore, the progress made through the application of social choice theory to modern congressional committees has been rapid, even in the midst of controversies about whether the facts support particular variants of that theory.

Our interest here is in journeying back to the early construction of this committee system. Just like students of the modern congressional committee system, we assume that the most salient features of early congressional organization evolved out of a desire to overcome a set of social choice problems facing MCs, collectively and individually. Unlike students of the modern committee system, however, the subject of our research was only just emerging. Indeed, most

contemporary theories and practices of legislating were inimical to the creation of standing committees with the attributes we take for granted today, such as a permanent membership, the right to initiate legislation, gatekeeping authority, closed rule protection, and all the rest (Cooper 1970). The wide array of uses to which a standing committee system could be put were only dimly appreciated, if at all. Finally, contemporary observers were wont to comment directly on their motivations for reforming the committee system. The apotheosis of this disinterest in addressing structural reform head-on came in 1822 when, following a protracted struggle over a major reform of the House rules, the closest and most astute observer of congressional politics of the time simply reported to his readers that “the matters are not of interest enough to our readers to detail...” (*Niles’ Weekly Register*, March 16, 1822, p. 47).

Scholarship in this field has not reached the point where we can propose many meaningful theory-generated hypotheses and test them with a rich array of data. What we propose doing in this paper is preliminary to such an effort—illustrating the plausibility of the claim that the early committee system was transformed out of a desire to confront a series of social choice problems that, in their generic form, persist across time and space among all legislatures.

The remainder of this paper is organized as follows. In the next section we provide an overview of the evolution of the House committee system in the antebellum era. That overview takes two parts. First, we use broad brush strokes to sketch out the basic contours of the House committee system and how it changed. Second, we suggest themes that emerge in this broad history that link social choice theoretical concerns with that development. In Section II we then turn our attention to our first case, the creation of six expenditure oversight committees in the aftermath of the War of 1812. This case most obviously raises the principal-agent problem

between Congress and the executive in the implementation of legislation. At the same time, short-term political goals faced members of the House as they created these committee. The most obvious were responding to constituents' complaints about the reluctance of the federal government to pay its suppliers and reassuring skittish holders of federal government debt that Congress had a firm hand on the purse strings.

In Section III we turn our attention to the elevation of the Foreign Affairs, Military Affairs, and Naval Affairs committees to standing committee status in 1822. This committee system change draws our attention to a wider array of rules reforms that occurred concurrently, all intended to overcome the legislative chaos that had infected the 17th Congress. In a sense, these three standing committees were finally written into the rules almost as an afterthought. The overall thrust of the rules changes proposed by a counsel of elders strengthened the hand of the Speaker in directing the referral of legislation and its subsequent debate. In the process anomalies, like the existence of three semi-standing committees outside the scope of the formal rules, had to be cleared away. We conclude in Section IV.

### I. The Ascent of Standing Committees: An Overview

Upon the House of Representatives' first meeting in 1789, it adopted a set of rules that delineated a simple set of expectations for the Speaker to follow in exercising his duties and for the full body to follow in deliberating on legislation (see *Journal*, 1-1, Apr. 7, 1789, pp. 8–11). Very little was written about committees, except that Speakers would appoint small ones (with three or fewer members) and the whole body would ballot to appoint larger ones. No standing committees were mentioned. An additional set of rules was appended less than a week later. The first of these

allowed “any member [to] excuse himself from serving on any committee, at the time of his appointment, if he is then a member of two other committees” (*Journal*, 1-1, Apr. 13, 1789, p. 13). Another provided for a standing committee on elections, whose duty it was to judge the credentials of newly-elected members. Early upon the meeting of the second session of the first Congress, the provision for appointing large committees by ballot was rescinded, giving over to the Speaker the duty of appointing these committees, too (*Journal*, 1-2, Jan. 13, 1790, p. 140).

Consistent with a set of rules that were devoid of the mention of legislative standing committees, the House routinely appointed *ad hoc* committees to consider every piece of legislation that came before the body. This led to the appointment of 220 select committees in the first Congress (Canon and Stewart 1995, Table 1).<sup>1</sup> Lest it be thought that the recurrence of the same sorts of business and the tedium of constantly appointing committees would encourage Speakers to use the same members over and over again for similar subjects, it should be noted that all but 11 of these committees consisted of a unique subset of the whole House.

If we fast-forward to the eve of the Civil War, the prominence of committees within the standing rules of the House was quite different. By the 35th Congress (1857–59), six pages of the Standing Rules and Order were devoted to committees, most of which was devoted to the chamber’s 34 standing committees (*Journal*, 35-1, pp. 1157–62). Select committees were still used, but their appearance was infrequent. The House appointed select committees only 23 times in the 35th Congress, almost all of which were investigatory.

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1. The data used in this paper to analyze committee membership patterns can be assessed via anonymous ftp at [cabernet.mit.edu](http://cabernet.mit.edu).

This transformation of the rules and practices of the House from 1789 to 1857 is what needs explaining. Unlike the Senate, where the onset of a standing committee system was sudden (see Swift 1997; Canon and Stewart 1998), the supplanting of *ad hoc* committees by standing committees in the House was gradual. This is illustrated through a simple set of statistics. The most basic is the number of standing and select committees appointed each Congress, along with the fraction of House members appointed to each, which are reported in Figure 1. While some Congresses were more innovative than others, on the whole the movement toward standing committees was unrelenting during the first half-century of the House's history.

Składony's (1985) analysis of the distribution of legislative work between standing and select committees tells a similar story. By his accounting, as the decades progressed, standing committees were the source of an increasing share of the bills reported to the House floor. Once reported to the floor, standing committee bills were much more successful (in terms of percentage of bills passing) than select committees. Thus, by the first session of the 20th Congress (1827–28), 90% of all bills reported to the House came from standing committees (Składony 1985, Table 5), and the passage rate of bills coming from standing committee was about twice that of select committee bills (Składony 1985, Table 7).

The domain of standing committees, which in the earliest Congresses tended to be focused on housekeeping matters, gradually expanded to encompass the entire range of business that might come before the House. One method of illustrating this is shown in Table 1, which delineates the founding Congresses of the various standing committees, organizing them into four crude categories—housekeeping/internal, claims/private legislation, general legislation, and executive oversight. Displaying the standing committees in this way helps also to illustrate how

much of the organization of the House was aimed at helping to establish the national government's firm grip upon the continent and handling the claims that individual citizens had against the federal government (See also Cooper and Young, 1989.). Still, this cataloging of committees de-emphasizes the particularized nature of the House's work in the antebellum period, since so much of the work of the committees categorized as "general legislation" was also given over to handling private claims from individuals.<sup>2</sup>

In describing the broad contours of the growth of the House standing committee system and its eclipse of the select committees, one important detail must be mentioned in passing. Around the 12th Congress (1811–13), the House began regularly appointing a series of select committees, charging them with taking under consideration broad subjects contained in the president's annual message. These committees "on the president's message" came to be reappointed at the beginning of each session. Starting with the 14th Congress they were authorized to report by bill (*Annals*, 14-1, Dec. 6, 1815, pp. 376-77; Cooper 1988, p. 58). Thus, while they were not formally standing committees, they were practically treated as such by the House membership, earning them the label "semi-standing" by Skladony.

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2. The greatest bulk of legislative business before the Civil War came in the form of private claims, not public legislation. Even more than *bills* referred to committees, private claims that were referred to committee were virtually guaranteed a quiet death through inaction. From 1789 to 1851 (1st to 31st Congress), the House received an average of 1,900 private claims petitions per Congress. Virtually all of these petitions were referred to a House committee. Fewer than half received even a report out of committee, which was usually adverse. Only about 15% of these petitions ever resulted in a House-passed bill, with about 10% making it to the president's desk for signature. For an exhaustive summary of these petitions see *Congressional Serial Set*, untitled, Serials 653–55, 32nd Con., 1st sess.

The amount of effort that even general legislative committees expended on behalf of individual claimants can be illustrated from some statistics from the first session of the 17th Congress: eleven of the twenty-five measures reported from Judiciary provided for the private relief of individuals, as did 4 of the 8 measures reported from Military Affairs, 2 of 6 reported from Naval Affairs, 5 of 13 measures reported from Commerce, and 13 of 30 measures reported from Ways and Means (*Journal*, 17th Cong., 1st sess.).



Three of these “semi-standing” committees—Foreign Affairs, Military Affairs, and Naval Affairs—will become the focus of Section III. For the moment, suffice it to say that the fact that the House tolerated the existence of three important committees in this sort of parliamentary limbo begs the question of whether the select-standing committee distinction was considered all that important among early nineteenth century parliamentarians. The fact that we have been unable to find any contemporary political actor or commentator expound on this distinction gives us at least a little pause as we move ahead and try to understand why the early committee system evolved as it did.

Because "Congress in committee is Congress at work," the transformation of the House committee system in the early nineteenth century demands an accounting. Noting that the greatest expansion of the standing committee system roughly corresponded with Henry Clay's speakership, three broad-ranging explanations have emerged that suggest ways to map Clay's political ambitions onto changes among the committees. These explanations are associated with Gerald Gamm and Kenneth Shepsle (1989; see also Rohde and Shepsle 1987), Jeffery A. Jenkins (1998), and Randall Strahan (1994; Strahan, et al, 1997, 1998).

Our approach in this paper is to de-emphasize the role that Henry Clay played in the House committee system's early development. As we have argued elsewhere, this focus on Clay not only encourages a “great man” understanding of the House's early development, but more importantly, encourages a “supply side” view of institutional development, when we believe that the “demand-side” deserves equal attention (Jenkins and Stewart 1997, 1998; Jenkins 1988, pp. 500–02; Stewart 1998).

By “supply side” view of institutional development, we mean an understanding of institutional development that emphasizes the actions taken by political leaders to mold the institution to achieve their own purposes. Both Gamm-Shepsle and Jenkins are supply side views by this definition, because they focus on the political goals of Clay, suggesting it was those goals that were the primary source of energy behind the standing committee system’s development. Not that the approaches are identical. Gamm and Shepsle, for instance, suggest that Clay promoted a sprawling standing committee system so that he could distribute prized committee assignments, buying continued political support among the rank-and-file. Jenkins, on the other hand, focuses on Clay’s early jockeying for advantage in the 1824 presidential election, suggesting he strengthened standing committees as a way of buying support among the rank-and-file for his presidential ambitions.

By “demand side” view, we mean an understanding of institutional development that draws its energy from the political desires of the rank-and-file. The best example of demand side views of committee development in recent times has been research into the congressional committee reforms of the 1970s, most of which place the impetus for these reforms squarely on the shoulders of dissatisfied liberals within the House Democratic caucus (see Rohde 1992). In general, the majoritarian nature of legislative life suggests that scholars ignore the demand side at their peril. Furthermore, majoritarianism also suggests that even when leaders are the most visible proponents of reform, we have to be sensitive to the ways that the actions of leaders often anticipate the reactions of followers. For instance, Henry Clay championed the creation of a previous question motion at the beginning of the 12th Congress not simply because it would be an important tool for him to achieve his goals as Speaker, but also because the War Hawks who

worked so strongly for Clay's election insisted that ways be found to overcome the dilatory tactics of Quids like John Randolph (Harlow, 1917).

Modern theories of committee behavior are, at root, supply-side views. Such theories can be divided into two major flavors: the *structure-induced equilibrium* (SIE) perspective associated with Kenneth Shepsle and Barry Weingast and the *information theory* perspective associated with Keith Krehbiel. We consider them supply-side views because, for both, the impetus for committee organization comes from the rank-and-file's policy and political goals. They are also comprehensive theories of committee organization, since they account for the dual reality of committee behavior: that they simultaneously supply public goods to all members while also serving to distribute private political goods to legislators and their supporters.

In the structure-induced equilibrium world, committees provide the public good of inducing stability in an inherently chaotic setting (Shepsle 1979; Shepsle and Weingast 1981, 1987), while at the same time providing private goods to individual legislators who gravitate toward committees that fit their own political interests (Weingast and Marshall, 1988). In the information theory world, committees provide the public good of uncertainty-reducing information. Hard work and an honest revelation of information are induced, in part, by policy-denominated side payments to committee members (Gilligan and Krehbiel 1989, 1990; Krehbiel 1992).

In our attempt to step back and gain a broader perspective on committee development in the antebellum era, it is tempting to impose those theories on this period, at least as a heuristic device. We have resisted this temptation for one simple reason: The stylized facts on which both the structure-induced equilibrium and information theories depend exist in only homeopathic

quantities in the antebellum period. For instance, the SIE theory of legislative organization relies on an assumption that committees embody the neat mutually-exclusive and exhaustive mapping of the multi-dimensional issue space onto committee jurisdictions. Yet, it was not until the 1946 Legislative Reorganization Act that the House rules actually contained detail jurisdictional definitions, beyond the committee titles themselves.<sup>3</sup> As a perusal of committee titles in Table 1 suggests, most legislation, important and trivial, could be referred to several committees. The willingness of the House to appoint select committees in some cases where a standing committee already existed only underlines the permeability of the jurisdictions (see Stewart, et al, 1995, Table 2). Further, a perusal of *Hinds' Precedents* (vol. 4, sect. 4020–4354) also reveals that jurisdictional encroachments were frequent in the nineteenth century and when challenged, not always resolved consistently.

Similarly, the House lacked a series of practices and rules to protect the product of committee deliberations, which is an important pre-condition for the information theory to operate. The formal basis for closed rules was not established until 1890 (Cooper and Young, 1989, p. 95; *Hinds Precedents*, vol. 4, sect. 3152). As a consequence, committees could be easily rolled when they presented their carefully-crafted compromises to the full House.<sup>4</sup>

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3. Compare the jurisdiction of the Ways and Means Committee (whose jurisdiction was among the simplest of all committees) in the 79th and 80th Congresses:

79th: To the revenue and such measures as purport to raise revenues and the bonded debt of the United States (*Journal*, 79-2, p. 820).

80th: 1. Revenue measures generally. 2. The bonded debt of the United States. 3. the deposit of public moneys. 4. Customs collection districts and ports of entry and delivery. 5. Reciprocal trade agreements. 6. Transportation of durable goods. 7. Revenue measures relating to the insular possessions. 8. National social security. (*Rules and Manual of the United States House of Representatives*, 1949, p. 352)

4. See Stewart (1998, pp. 32–41) for a discussion of this with respect to attempts to reach a compromise over the Missouri question in the 16th and 17th Congresses.

Therefore, it seems prudent to us to engage in a preliminary exploration of the creation of the standing committee system, without being wedded to any one particular variant of rational choice theory. This is not to say that the following explorations are unguided by theory. In the following cases, we assume that the leaders and rank-and-file were contending with a general set of collective choice dilemmas that stand above all modern research into congressional committees. The simple organization of the chamber to do business, the expert application of relevant information to legislation, the expeditious resolution of legislative business, and the passage of broadly-beneficial national policies were all public goods House members tried to provide themselves. There were certainly private political goods that House members sought to secure for themselves, as well, and we assume that committees were seen as an important vehicle for that, too. For the most parochial of House members, there were claims made by constituents against the government to be adjudicated, public lands to be distributed, import duties to be levied (or exempted), river snags to be cleared away, post offices established, and postal roads built. For the less parochial of legislators, whose future lay in the realm of large-scale partisan contestation, there was the business of using the federal government to bolster the image of one's party (or faction) at the expense of the opposition.

The politicians who set the House committee system along a path that leads to today were astute students of practical politics. In the cases that follow, we observe them piecing together a modern, complex legislative institution that served many different political ends simultaneously. By understanding how they coupled institutional forms with pressing political goals, we will have laid the foundation for understanding how fundamental problems of social choice are addressed in

a context in which practical and theoretical knowledge of how majority-rule institutions function on a continental scale was in its infancy.

## II. The Control of Expenditures

The greatest expansion of the House standing committee system during the antebellum period, measured by the sheer number of committees, occurred in 1816 (14th Congress), when six committees were appointed and charged with reporting back to the House “whether the expenditures of the respective Departments are justified by the law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, . . .; whether such claims have been discharged out of funds appropriated therefor; and whether all moneys have been disbursed in conformity with appropriation laws; and whether any and what provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.” They were further charged with reporting “from time to time, whether any and what retrenchments can be made in the expenditures of the several Departments without detriment to the public service; whether any and what abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters, or others, and to report from time to time such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers (*Journal*, 14-1, pp. 411–12).

The genealogy of these six committees (associated with the State, Treasury, War, Navy, and Post Office Departments, plus the public buildings) stretches back to the House Committee

on Public Expenditures, which had been created in the previous Congress, and the Ways and Means Committee before that, which had been installed as a standing committee in the third Congress. The proximate cause for their creation can plausibly be laid at the feet of the financial distress following the War of 1812. Yet the creation of these six committees, and their subsequent use, is more than simply a story of the House deciding to exercise due diligence with respect to oversight of the executive. Nonetheless, the best place to start in exploring the creation of these committees is the financial struggle the House contended with as it waged war against England earlier in the decade.

The consequences of the decision made by the 12th Congress (1811–13) to go to war with England were faced in the 13th and 14th Congresses. Among the most critical issues facing Congress were how to raise the money to fight the war and how to ensure that funds were properly applied. Prior to the War of 1812, the apparatus within the House for overseeing national finances was rudimentary: a small (seven-member) Ways and Means Committee was responsible for overseeing spending and taxing, investigating the executive branch to ensure that expenditures were properly applied, regulating the banking system, and generally exercising oversight wherever a dollar might be spent or raised. The War challenged the efficacy of this simple organizational setting.

Wars have put the greatest strains on the congressional-executive oversight system, however constructed, whether by fire alarms or police patrols (McCubbins and Schwartz 1984). Even under the best of circumstances, wars challenge the control capacities of the executive. This, in turn, generates strains between the executive and Congress. While Congress is always loathe to reform the budgetary process during wartime, postwar periods of American politics are

replete with examples of Congress reforming the budgetary process in light of wartime experience. Three cases of war-inspired reform have been highlighted in modern scholarship: the post-Civil War creation of the House Appropriations Committee, the post-World War I passage of the Budget and Accounting Act, and the post-Vietnam Congressional Budget and Impoundment Control Act (Fisher, 1975; Sundquist, 1981; Wander, 1984; Brady and Morgan 1987; Stewart, 1989; Kiewiet and McCubbins, 1991).

Modern students of budget reform have focused their attention on the episodes that followed the Civil War and the twentieth century wars. Earlier generations of scholars, however, were equally acquainted with the War of 1812 as a spur for budget reform (see Powell 1939; Wilmerding, 1943; White 1951). Within this older literature, the creation of the Public Expenditures Committee in the 13th Congress and the six agency-specific auditing committees in the 14th, along with a reorganization of the Treasury Department in 1817, are central organizational developments.

The government's handling of the War of 1812 has been widely regarded as a military, administrative, and financial disaster. Before war was declared against England, Congress undermined preparedness by retrenching the army and navy, abolishing internal revenues, and failing to re-charter the Bank of the United States. Not only did these actions delay the build-up of American military forces when war *was* declared, but it also seriously undermined the ability of Congress to mobilize the financial resources to backup the military mobilization. It is on the fiscal, rather than military, mobilization that we focus our attention.<sup>5</sup>

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5. On the financing of the War of 1812, see Bolles (1894, pp. 219–300), Studenski and Krooss (1963, chap. 7), and Perkins (1994, chap. 15).



As hostilities between the United States and Europe mounted, Congress began to authorize the call-ups of state militia units and the expansion of the regular army. Still, the same Congress that was intent upon sponsoring a military build-up was unwilling to raise taxes to pay for it. An unwillingness to raise taxes to pay for war preparations was probably just as well: once hostilities began in earnest, imports plummeted, and with them, tariff revenues. Consequently, Treasury Secretary Albert Gallatin was compelled to borrow to meet the country's rapidly-expanding financial obligations. Spending quickly outstripped the proceeds from borrowing, requiring Gallatin and his successor, Alexander Dallas, to return regularly to Congress, asking for authority to borrow on the government's behalf.

Gallatin and Dallas persuaded Congress to authorize federal government borrowing on the open market five times between 1812 and 1815. Attempting to borrow a total of \$80 million during this period, the Treasury netted only \$34 million in the end. The secondary market signaled its uneasiness with the national government's finances by the prices investors were willing to pay in the stock exchanges for these bonds, favoring the debt of some states above that of the national government (Martin 1871, pp. 89–90).

Because the regions of the country that were most supportive of the war were capital-poor, while bankers in capital-rich regions were much more skeptical, significant portions of the government's bonds were bought purely through the individual action of bankers and prominent politicians. For instance, John Jacob Astor himself personally subscribed to \$2 million of the \$16 million loan authorized in 1813 (Bolles 1894, p. 227).

In the midst of debating the largest war-time borrowing request from the Treasury, John W. Eppes, chair of the House Ways and Means Committee, took advantage of a break in the

debate to introduce a resolution to create a committee, styled the Committee on Public Expenditures, specifying a jurisdiction for the committee that was taken verbatim from the jurisdictional statement of the Ways and Means Committee:

[T]o examine into the state of the several Departments, and particularly into the laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers. (*Annals*, 13-2, Feb. 24, 1814, p. 1627)

The resolution was considered by the full House two days later, during another break in the debate over borrowing. Neither the *Annals of Congress* nor *Niles' Register* record any real debate arising from the resolution. They do record Eppes's brief justification for it, who stated, "the duties contemplated to be assigned to this committee would fully occupy it during the session, and was necessary to relieve the Committee of Ways and Means from much of the business at present referred to it, and which it was unable properly to consider, etc." (*Annals*, 13-2, Feb. 26, 1814, p. 1695; *Niles Register*, Mar. 5, 1814, vol. 6, p. 15). The motion was passed without opposition. Immediately upon passage of the motion, all "related matters being considered" by the Ways and Means Committee were referred to it. Neither the *Annals* nor the *Journal* specify which matters these were; the committee made no reports to the House in the 13th Congress.

At the same time the government was having difficulties raising the necessary money to fight the war, it was also facing the problem of not being able to pay its suppliers fast enough. Each of the cabinet departments had a skeleton staff of accountants and auditors in Washington who were responsible for examining and paying each financial claim incurred by that department.

This system was a legacy of the Hamilton years. Stated simply, bonded officials were issued warrants by the Treasury Secretary and they, in turn, were responsible for settling accounts between the government and suppliers. Because these individual officials were personally responsible for any errors in their accounts, they were exceptionally meticulous, but also painfully slow in settling up.

This creaky payment system was unchanged for the duration of the war, resulting in federal government arrearages worth millions of dollars. And of course, the war effort had crowded out attempts to clear up outstanding pre-1812 warrants, resulting in arrearages reaching back into the eighteenth century. Government suppliers, also being constituents, complained loudly to their representatives, who responded by appointing a committee to investigate.

The House appointed a select committee in 1816 to examine the problem of the payment of government contractors, which was chaired by Benjamin Huger, a Federalist from South Carolina (*Journal*, 14-1, Feb. 27, 1816, p. 408). The subsequent report of the committee laid out, in painful detail, the difficulties it encountered in trying to untangle the web of federal finances.

The report began:

At an early period after their appointment the committee proceeded to turn their attention to the subject submitted to them. Although prepared to meet many difficulties, in the proposed investigation of unsettled balances, they had by no means anticipated that these difficulties would have been so serious, or to the extent they experienced. They found themselves advancing into a labyrinth, the intricacies of which increased at every step they progressed. Little versed in the laws under which they were established, and still less in the rules, regulations, and modes of proceeding adopted by the different departments, it became necessary that they should, in the first instance, to endeavor to obtain some information on these points, and having no particular clue to guide them in making an investigation, the labor, zeal, and attention they were able to devote to this or that particular object of research not unfrequently turned out to have been unnecessary,

or of little or no avail. (American State Papers, *Finance*, vol. 3, p.123, reprinted in Powell, 1939, p. 363)

The best Huger and his committee could do was outline the severity of the problem. They reported that neither the Indian nor War Departments had settled their accounts since 1798, that the Post Office had not settled since 1810, and that even the Treasury Department, the best of the lot, was two years behind in settling accounts with its suppliers (White 1951, pp. 165–66).

The Huger Committee was composed of seasoned House veterans. Its report that they were clueless about where to begin their investigation and the estimate that their efforts had been a waste of time made an impression.

When the resolution creating the Huger Committee was passed, a competing resolution, offered by Henry St. George Tucker (Rep.-Va.), had been tabled. Tucker's resolution called for the creation of six new committees for the audit of the various executive departments. While the Huger Committee was still deliberating, the Tucker resolution was taken off the table and called up in the House (*Journal*, 14-2, Mar. 30, 1816, pp. 411–12). As originally proposed, it called for the creation of six "Committees on Accounts and Expenditures" pertaining to six objects: the State, Treasury, War, Navy, and Post Office Departments, plus the public buildings.

The proposed jurisdictions were those that were noted at the beginning of this section. Additionally, there were two unusual features of Tucker's resolution. First, he specified that these committees would be appointed for the entire Congress, not just for the session, as was the case for all other committees. Second, they were authorized to meet between sessions of Congress, including the period between the adjournment of one Congress and the convening of the next.

As is characteristic of the time, very little in the official record or secondary press accounts provides good evidence about who supported and opposed this resolution, and why. Tucker was a rookie member of the House and not especially prominent. The only opposition to the motion was registered in the remarks of Samuel Smith (Rep., Md.), a six-term House member who would go on to chair the Ways and Means Committee the next three Congresses. Supporting speeches were noted by Tucker (Rep., Va.), Joseph Desha (Rep., Ky.), Richard Stanford (Rep., N.C.), Robert Wright (Rep., Md.), and William Lowndes (Rep., S.C.). Lowndes was singled-out in the *Annals of Congress* as arguing “that the experiences of other States, particularly Virginia, proved the utility of such committees” (*Annals*, 14-1, Mar. 30, 1816, p. 1298).

The creation of these six committees was not the only organizational innovation for the oversight of executive expenditures that was enacted during this Congress. The Huger Committee’s one concrete recommendation in its report to the House was a request that the Treasury Secretary draw up a plan for how the cabinet departments might be reorganized and the federal system of accounts better managed. Apparently, the House never actually passed such a resolution. However, four days before the Huger Committee made its formal report to the House, *Senator* Nathaniel Macon, former Speaker of the House and an original member of the House Committee on Public Expenditures, got the Senate to pass a resolution that was worded virtually identically to the Huger Committee’s later recommendation. Macon’s resolution directed the four cabinet secretaries to report to the Senate on plans to “insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure, in their respective Departments” (*Senate Journal*, 14-1, Apr. 20, 1816, pp. 506–07). The report back from the four secretaries in December 1816 set in motion a chain of events quickly leading to the passage of a

law that reorganized how the executive branch paid public accounts and how it reported its actions to Congress. (See Act of Mar. 3, 1817, 3 Stat. L, 366.)

The law established five auditors within the Treasury Department with ultimate authority over the payment of public accounts. The auditors were given responsibility for specific departments. They were also responsible for reporting annually to the Secretary of the Treasury about the details of all public accounts. He, in turn, was responsible for reporting annually to Congress on the state of the public finances. This law formed the basis of the reporting relationship between Congress and the Treasury Secretary until the Budget and Accounting Act as passed in 1921 (Stewart 1989).

Creating committees to give greater attention to overseeing executive accounts was only the first step in actually overseeing those accounts. At the very least, it was necessary to populate the committees with members who were sufficiently experienced and knowledgeable so as to have a clue about how to oversee the executive. Whether these committees had to be *active* is debatable, however. Reformers have traditionally equated the inactivity of congressional oversight committees with congressional abdication of its oversight responsibilities. Our view of the “best” oversight regime is closer to that associated with the work of Mathew McCubbins and his collaborators, however, who argue that if Congress designs its appropriations oversight regime properly, automatic procedures may be sufficient to keep the executive in line (see McCubbins and Schwartz, 1984; Kiewiet and McCubbins, 1991). Such an argument could easily apply to control of the executive after 1814. In that case, what is most important is not so much whether these committees met regularly to pore over the Treasury Department’s books. What is

important is whether the committees were *capable* of facing down the Treasury if necessary—a fire alarm approach, rather than a police patrol.

The committees that were initially appointed to oversee the executive expenditures appear to have been capable of handling their task at first, though in every case that level of capacity was not sustained. Speaker Cheves appointed seven members to the Committee on Public Expenditures immediately upon its creation (*Journal*, 13-2, Feb. 26, 1814, p. 368; *Annals*, p. 1695). Two of the seven, Nathaniel Macon (Rep., N.C.) and William Findley (Rep., Penn.), had served in the House for over two decades. Macon had served as Speaker of the House from the seventh to the ninth Congress. The chair, James Pleasants (Rep., Va.), was a sophomore, but had served on the Ways and Means Committee both Congresses. Of the remaining members, only two were rookies. In a House in which three-fifths of its members were in their first term, the Committee on Public Expenditures had an unusual level of legislative experience embodied in its membership.

Yet, this exalted status for Public Expenditures did not last. Upon returning to the House in the 14th Congress, Speaker Clay reappointed only one of the seven members whom Cheves had previously tapped for service on the committee—Epaphroditus Champion, a Federalist from Connecticut. Still, even though only one committee member was a holdover from the previous Congress, its membership was more experienced in Washington than the House as a whole: only two committee members were serving their first term in the House, compared to 50% of the House as a whole. Its chair, William Murfree (Rep., N.C.) had risen to the second-ranked position on the Commerce and Manufacturers Committee in the previous Congress, and he retained that additional appointment in the 14th, as well.

From this point forward, the membership of Public Expenditures was not especially distinguished. In the second session of the 14th Congress, for instance, its experienced chairman was replaced by Israel Pickens, a newcomer to the committee altogether who had not made a mark for himself in his three terms in Congress. From that point on, its membership tended to be as inexperienced as the rest of the House. (See Table 2.) Exceptions to this generalization occurred in the few Congresses when either the chamber as a whole, or the leadership in particular, had a special interest executive branch economy. We will return to this point below.

The membership patterns on the six expenditure committees created in 1816 paralleled that of the single Public Expenditure Committee. When first appointed they were all, with one exception, composed of experienced House members. Three of the five members of the Huger Committee, which suspended its work in deference to the creation of these committees, were appointed to one of them—Huger, himself, as the sole Federalist on the Navy Department committee, Condict to chair Public Buildings, and Forney to War Department. (Barbour was already on the Public Expenditures Committee. Asa Lyon (Fed.-Vt.) was the only Huger Committee member not appointed to an agency-specific expenditures committee.) Each of the committees, except the one appointed to oversee the State Department, which had three rookies, was composed of two veterans and one rookie.

As with the single Public Expenditures Committee, the degree of legislative experience exhibited on these six committees plummeted rapidly after their initial creation (See Table 2.). In quick order they tended to be heavily populated with rookie House members. It was not uncommon for the chair to be the only experienced member of an agency-specific expenditure committees. Indeed, rookies were even occasionally assigned to chair them.



### *Discussion*

What can we conclude about the early evolution of the House standing committee system from the creation of committees to audit and review the executive departments? The most direct conclusion is that the early story of executive oversight of executive finances is the application of the combined insights from McCubbins and Schwartz's (1984; also Kiewiet and McCubbins, 1991), in their explication of fire alarm *versus* police patrols in oversight, and from Fiorina's (1977) "keystone" argument about the relationship between Congress and executive agencies.

Even though it could be argued that the earliest flowering of the party system grew out of Jeffersonian distrust of Treasury Secretary Hamilton, and it is certainly the case that the Ways and Means Committee was made a permanent feature of the House rules because of that distrust, the internal capacity of the House to diligently oversee executive branch practices was always rudimentary. Nonetheless, as Kiewiet and McCubbins (1991, chap. 1) point out, even the earliest Congresses witnessed the House use a variety of tactics in an effort to guide executive behavior. Within the annual appropriations process, Congress, through its committees, was unable to scrutinize every account closely. But, it could scrutinize enough accounts closely enough so that the fear of random attention to different parts of the annual budget, year after year, would keep the executive branch on course without Congress having to devote too many many of its scarce resources to oversight.

Still, the system that was set up during the Hamilton years to settle accounts between the federal government and suppliers seems ripe for the same time of constituency work that Fiorina targeted in his essay on *Congress: Keystone of the Washington Establishment*. The logic is quite

similar. Clutching the mantle of financial prudence, Congress designed an accounting system such that if a settling clerk made a mistake, it was his problem. This, in turn, encouraged great conservatism on the part of agency clerks. While this system may have prevented undue expenditures within executive agencies, it also encouraged suppliers (i.e., constituents) to petition Congress for relief from the overly-stingy accountants in the departments. Almost two centuries before the rise of the welfare state encouraged members of Congress to have it both ways by creating entitlement programs crying out for congressional casework, Congress created a government accounting system that encouraged the same thing.

How pervasive was this double-dealing on the part of Congress? To our knowledge, no comprehensive analysis has been done of the claims that private citizens filed against the federal government for accounting arrearages in the antebellum era. (But see Hill and Williams, 1993.) Our own preliminary analysis suggests that the practice may have been non-trivial. For example, roughly half the bills reported by the Ways and Means Committee in the 17th Congress was for the relief of individuals who had a revenue or expenditure claim against the government. Although the bulk of private claims petitions filed with the House that were catalogued in 1851 requested payment of a pension or back pay for military service, still 3% of all private petitions sought relief under an appropriations or tariff bill (*Congressional Serial Set*, untitled, Serials 653–55, 32nd Con., 1st sess.). Constituency service opportunities in the realm of account settlements would seem a ripe topic for a student of Congress who wanted to apply modern research techniques to the past.

The expenditure committees did not seem to be highly active bodies. In the years immediately following their creation, most sessions of Congress might see one report issued by

one of these committees, at the most. (See the index of the House *Journal*, various years.) The lack of activity on the part of these committees caused them to be quickly scorned by many members of the House. The low regard for these committees no doubt helps to explain why, over the next two decades, whenever the House got serious about retrenchment and expenditure controls, it resorted to separate *select* committees, bypassing the existing standing committees.<sup>6</sup>

The few reports that emanated from the six agency-specific committees often carried more complaints about their inability to perform their assigned tasks than detailed information about government accounts. One such complaint was seen in the 1819 report of the Committee on Expenditures in the Post Office:

[We] were convinced, from research, that to examine the immense mass of receipts and other vouchers, offered for their inspection, to compare them with the corresponding entries in the books of the office, and make the necessary computations, could only be effected by many month's vigilant attention and labor. This part of the inquiry, therefore, which your committee had marked out for themselves as abandoned as impracticable. (quoted in Wilmerding, 1943, p. 214)

Two years later, the committee on Expenditures in the Navy Department made a similar report:

To investigate the various subjects referred to them, to enquire minutely into the expenditure of all public moneys appropriated for the naval service, and to ascertain whether these expenditures have been made with economy, and in strict conformity with the objects of Congress, in making them, would require greater time and research than could be bestowed by any committee, without a total abandonment of all legislative duties. Indeed, the investigation of any considerable item of expenditure, when pursued in all its details, would be a work of time and labor. (quoted in Wilmerding, 1943, pp. 214–15)

Furthermore, confusion was sown over the conflicting jurisdictions of Ways and Means, Public Expenditures, the six agency-specific committees, and the occasional select committees.

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6. Separate select committees on retrenchment in the government were appointed in the 17th, 20th, 21st, 27th, and 28th Congresses.

Although the jurisdiction initially granted the Committee on Public Expenditures in 1814 was taken verbatim from the jurisdiction of the Ways and Means Committee, the jurisdiction of the Ways and Means Committee itself was not changed to reflect the splitting of its jurisdiction. And, of course, the jurisdictions of the six committees created in 1816 overlapped significantly with the jurisdictions of Ways and Means *and* Public Expenditures. The Committee on Public Expenditures made a report to the House in 1828, proposing a division-of-labor among these committees—particularly among the six agency committees and the Committee on Public Expenditures—but it was not adopted. Not having a clearly distinct jurisdiction, members of the Committee on Public Expenditures submitted a resolution in 1840 to abolish it (*Congressional Globe*, 26-1, pp. 239–352), which debated it for three days and then rejected it by an overwhelming vote of 6–148.

Rep. Isaac Leet made a McCubbinsian point about the deterrent value of these committees when he argued in 1840 against abolishing the Public Expenditures Committee:

Sir, I would, keep the committee; I would preserve the board of visitors, in order that every Administration, in time to come, may at all times keep its “house in order,” not knowing “the day nor the hour when they may be called upon to give an account of their stewardship.” (*Congressional Globe*, 26-1, Apr. 22, 1840 pp. 348–50)

In the next breath, however, Leet made a justification for these committees that would seem to fit in quite well with the Mayhewian (1974) world of “position taking, credit claiming, and advertising”:

Would [my constituents] be satisfied with my telling them there was no necessity for this Committee on Public Expenditures? Would they agree that the *only* committee, which had a jurisdiction commensurate with all the departments of Government; which could march into any of the places where the public treasure was kept, and detect abuses, if any prevailed; would they, I say, agree to have that

committee abolished? I think not. (*Congressional Globe*, 26-1, Ajpr. 22, 1840, p. 350)

Thus, it is quite possible that these expenditure oversight committees helped keep the federal accounts in order, through the operation of a system of random terror. More likely, however, the very existence of these committees, and their episodic activity served as a signal to outsiders that Congress was being diligent in overseeing the nation's business. Whether these committees were, in fact, effective is subject to debate. To the Progressive reformers of the turn-of-the-century, it was clear they were not.

### III. The Foreign, Military, and Naval Affairs Committees

In 1822, during the 17th Congress, the House of Representatives made several changes to its internal organization by modifying its Standing Rules. New rules of procedure were enacted that tightened-up floor procedures, clarified the order of priority for the referral of bills to committees, and added three existing select committees (Foreign Affairs, Military Affairs, and Naval Affairs) to the list of standing committees.<sup>7</sup>

Students of the committee system have tended to regard this episode as marking the denouement in the struggle between select and standing committees. These three committees were holdouts, remaining select committees long after panels with lesser jurisdictions had been moved permanently into the House rules.<sup>8</sup> The most plausible explanation for this tardiness is that

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7. A fourth standing committee, Indian Affairs, was also created in the 17th Congress. Its creation, however, occurred separately from the others and did not result directly from the comprehensive changes in the standing rules.

8. Stewart, et al (1995) trace the first select committee on Foreign Affairs back to the 10th Congress, Military Affairs to the 1st, and Naval Affairs to the 4th. It was not until the 10th Congress that these committees were regularly associated with the president's message, however.

Henry Clay, while Speaker, regarded them as his own “virtual State Department,” and thus a tool to needle the Madison and Monroe Administration and a springboard to the presidency (Jenkins 1998). Nonetheless, the totality of the 1822 rules changes were substantial, going well beyond changing the status of these three committees. Thus, their elevation was much more than simply a case of mice playing while the Speaker cat was away in Kentucky, and so the committee reforms that first drew our attention need to be understood in the context of a wide catalogue of organizational issues.

We advance two complementary arguments to explain why the rules changes that elevated the status of these three select committees occurred in 1822. The first applies generally to the Era of Good Feeling and the desire of political leaders to fashion large-scale political coalitions that were capable of governing. The second is particular to the 17th Congress. Here we suggest that organizational chaos had reached such a fevered pitch by 1822 that a portfolio of rules changes became supported by a large majority of House members in order to stem that chaos. Before wading into our narrative, we outline further both strands of this argument.

The first argument, which encompasses the entire decade following the War of 1812, can be summarized as follow: Amid the partisan instability of the Era of Good Feelings, two distinct factions had developed by the 16th Congress (1819–21) around the two major presidential candidates at the moment, John C. Calhoun and William H. Crawford. Crawford’s faction was larger, which led his supporters to use the select committee on Military Affairs to undermine the policy desires of Calhoun, who was Secretary of War. A protracted battle for the Speakership ensued in the 17th Congress, which was finally resolved, we believe, by a deal constructed by Martin Van Buren that affected the distribution of seats on standing and important select

committees. Van Buren was attempting to rebuild the old interregional Jeffersonian party around the presidential candidacy of Crawford, but the institutional deal proved to be unstable. Three additional presidential aspirants—John Quincy Adams, Andrew Jackson, and Henry Clay—announced their candidacies in the 17th Congress, heightening multi-factional divisions within the House, thus upsetting Van Buren’s fragile institutional equilibrium. The legislative agenda nearly ground to a halt, spurring a majority of MCs to alter House rules in order to adjust to the new political environment. One consequence of the rules change elevating the status of Foreign Affairs, Military Affairs, and Naval Affairs was that standing committees became a more stable currency to use in resolving disputes over the Speakership.

Our second argument adheres more closely to the events particular to the 17th Congress. In her analysis of the suppression of minority rights in the House during the 19th century, Sarah Binder (1997) is generally successful in explaining that suppression in terms of partisan conflict that periodically erupted on the House floor in the 1800s. She is unsuccessful, however, in fitting the rules reforms in the 17th Congress into her general story, concluding that the 17th Congress “clearly is an outlier” from the perspective of her theory and her statistical estimation (Binder 1997, pp. 78–79 fn 12).

Binder’s failure to fit the rules changes of 1822 into her general story of minority right suppression provides a clue, however, for why the Foreign Affairs, Military Affairs, and Naval Affairs committees were elevated to standing committee status in the 17th Congress. Binder’s account rests heavily on measures of party strength, party competition, and obstructionism by the minority party to explain minority party suppression. However, there *was* no meaningful partisanship to structure institutional choice in the 17th Congress, nor was there a bipolar

ideology available to structure debate and voting. In fact, Poole and Rosenthal (1997, p. 52) find that the 17th Congress is the worst-fitting House in American history for their model, one that resembles “spatial chaos.” National politics had devolved into regionally-based, multi-polar factionalism, in which electorally-derived party labels were useless for identifying inter-Congress voting alliances. Thus, there was no *one* minority being “suppressed” through the tightening of floor rules in the 17th Congress, if “suppression” is even the right word. The disintegration of partisan ties encouraged a legislative free-for-all on the House floor whenever legislation was discussed, and a land grab for jurisdictions among competing standing and select committees. In the midst of the ensuing chaos, a counsel of elders proposed a set of rules changes to rein-in this chaos.

#### *Speakership Battles in the Era of Good Feeling*

Behind the leadership of Speaker Henry Clay and his so-called War Hawk allies, the Jeffersonian coalition had united around war-related policies during the War of 1812. After the war, however, the coalition’s unity began to disintegrate. In the wake of the Hartford Convention, the Federalist Party ceased to be a viable electoral opponent, and no new, salient national issues emerged around which the coalition might coalesce. As such, sectional issues arose and threatened to tear the party apart (Heale 1982, p. 38; Greenstone 1993, p. 161). With partisan sanctions no longer a “credible threat” in the one-party environment, rifts within the coalition began to develop, and instability within the chamber became the norm (Poole and Rosenthal 1997, pp. 30–31, 38–39). During this Era of Good Feeling, the party hierarchy weakened and regional factions emerged to vie for power.



Despite the growing instability within the House, Clay was able to maintain some semblance of order within the chamber (Gamm and Shepsle 1989; Jenkins 1998). After the completion of the first session of the 16th House, however, Clay resigned from the speakership, due to personal problems (Peterson 1987, pp. 66–68; cf Adams, 1875, vol. V, p. 59). The leadership vacuum created by Clay's relinquishment was filled in the second session by John W. Taylor of New York, who was elected to the speakership on the 22nd ballot, after securing the support of the "Bucktail" (anti-Clinton) faction from his home state (*Annals* 16-2, Nov. 13–15, 1820, pp. 434–38; Spann 1960, p. 384; Leintz 1978, pp. 69–71).

Before taking the speakership, Taylor's policy views were a known quantity. He was a fiscal conservative and an advocate for the restriction of slavery in the western territories (Fuller 1909, p. 51; Spann 1960, pp. 381–82). Both of these policy views would critically shape his performance as Speaker. The Missouri debates were still raging within the Republic, and Taylor's election was viewed in the North and South alike as a victory for slavery opponents (See Stewart and Jenkins (1998); Stewart (1998).)

Taylor's speakership was hamstrung over the deadlock within the chamber over Missouri. Taylor eventually became so associated with restrictionist forces that he had to turn to Clay (who remained a frequently-absent member of the House) to provide a way out of the Missouri quagmire (Brown 1926, pp. 35–43, 65; Peterson 1987, pp. 62–66). Even though the Missouri compromise was considered to be a slight victory for pro-slavery advocates, southern MCs distrusted Taylor and vowed to elect one of their own to the speakership in the next Congress (Brown 1926, p. 67; Spann 1960, p. 391).

While the Missouri question proved to be a defining issue, Taylor's future as Speaker also hinged upon his relationship with various members of the Monroe administration. The depression that followed the Panic of 1819 led to a 40 percent decline in government revenues (Dewey 1934, p. 164; White 1951, p. 121), forcing Congress, in an era before deficit spending, either to raise taxes or to cut spending. Raising taxes to mount a war against England had been impossible; doing so during a financial panic was equally difficult. Treasury Secretary William H. Crawford identified the military as a logical source for reductions.

In addition to their widespread appeal, these proposed military cuts were also connected to political maneuvering within various Jeffersonian factions. Crawford publicly supported the cuts for fiscal purposes, but privately supported them as a way to weaken his presidential rival, War Secretary Calhoun (Risjord 1965, p. 194; Peterson 1987, pp. 92–93). The Crawfordites took to the floor at the outset of the session to protest that a standing army threatened the liberties of the people, maintaining that militias were as effective and efficient without such dangers, being made up of “the great body of the American people.” (See *Annals* 16-2, Jan. 3–20, 1821, pp. 715–34, 767–94, 810–21, 823–41, 865–72, 891–901, 925–30.) After much debate, the House considered legislation reported by the Military Affairs select committee to cut the size of the standing army by 40 percent (from 10,000 to 6,000 soldiers) and slash appropriations for military fortifications by nearly 75 percent (from \$800,000 to \$202,000). Speaker Taylor supported the proposed military reductions (Spann 1960, pp. 389–90). The legislation was passed by a vote of 109–48 and eventually signed into law (*Annals*, 16-2, Jan. 23, 1821, pp. 936–37).

Calhoun was infuriated. He viewed this defeat as Crawford treachery abetted by Taylor's parliamentary engineering. Calhoun accused Taylor of being a tool of Crawford, by appointing opponents of the War Department to the Military Affairs select committee (Adams 1875, vol. V, pp. 314–15, 428; Spann, 1960, p. 390). Although Taylor asserted that he simply maintained the same committee appointments that Clay had made in the previous session (Adams 1875, vol. V, pp. 438–39), he in fact made several new appointments. Three of the seven members that he appointed to Military Affairs in the second session of the 16th House were his own (*Journal* 16-1, pp. 20-21; 16-2, p. 18.)

Did Taylor stack Military Affairs with Crawford supporters, as Calhoun contended?

Rather than depend on historical anecdotes for evidence,<sup>9</sup> we employ common-space W-NOMINATE scores developed by Poole (1998) to examine Taylor's appointees and identify their spatial proximities to Calhoun and Crawford.<sup>10</sup> We will consider an MC either to be a Crawford

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9. Quotes abound among the principals in the army debate that are consistent with the Crawford vs. Calhoun view. For instance, Samuel Smith, chairman of the Ways and Means Committee, believed "several members of the House . . . had allowed their enthusiasm for crucifying Calhoun to get the best of their judgment" (Pancake 1972) and that "friends of reduction . . . rally around a bill, right or wrong, good or bad" (*Annals* 16-2, p. 903).

10. We use Poole's common-space W-NOMINATE estimates here because we are interested in assessing the spatial proximity of Military Affairs Committee members to two administration politicians—Crawford and Calhoun—who did not have voting records in the 16th Congress, but who had congressional careers. Under the assumption that MCs exhibit ideological consistency throughout their congressional careers, including changes from one chamber to the other, Poole's (1998) common-space estimation procedure creates a single set of ideal-point coordinates for each MC, incorporating his *entire* Congressional career in the calculation. Keith Poole was extremely generous in providing us with W-NOMINATE scores for this time period.

In using this procedure, we note that with partisan coalitions in flux, this is one time in American history when the "unchanged lifetime ideology" assumption is open to serious question. We take refuge in the knowledge that to the degree that the assumption of unchanged average lifetime ideology is violated, that introduces measurement error into the estimates, which should tend to bias our statistical findings toward accepting the null. Because we can reject the null of this analysis, we have some confidence in the use of the W-NOMINATE scores in this particular case and for this particular application.

More substantively, our own exploration of D-NOMINATE scores during this period has led us to conclude that the bulk of the shift in the issue space from the 14th to the 17th Congresses occurred along the first dimension. Estimated locations along the *second* dimension at the individual level are actually more stable during this period than at other times. Because the substance of the second dimension during this period seems to fluctuate between tariffs and public works, we are tempted to call it the "American System" dimension, since these

or a Calhoun supporter based on measures of Euclidean distance: if an MC is closer spatially to Crawford than to Calhoun, we will presume him to be a Crawford supporter, and vice versa.

Figure 2 shows ideal-point estimates for Calhoun and Crawford, as well as for Clay's and Taylor's appointees to the Military Affairs select committee. (The left-hand panel shows Clay's appointments, while the right-hand panel shows Taylor's appointments). Each of Taylor's three replacements of Clay's appointees—Hutchins Gordon Burton of North Carolina, Robert Moore of Pennsylvania, and John Russ of Connecticut—is closer to Crawford than to Calhoun. In addition, two of the three committee members whom Taylor replaced—Henry Brush of Ohio and Samuel Ringgold of Maryland—are closer spatially to Calhoun than to Crawford. So, Taylor took a committee that leaned 4–3 in favor of Calhoun and transformed it into one where Crawford held a 5–2 advantage.

Further evidence that the retrenchment of the Army was decided along an agenda set by the Military Affairs committee is found in explaining the vote on final passage of the bill in terms of the W-NOMINATE scores. Table 3 reports the results of this analysis. The dotted line on Figure 2 graphs out the estimated "cut line"—i.e., the line separating members predicted to vote yea from those predicted to vote nay—of this vote in terms of W-NOMINATE scores. First, the vote tended to divide mostly along the second dimension, which is the dimension on which Crawford and Calhoun supporters were distinguished. Second, the side that prevailed is the pro-Crawford side, which is the direction in which the committee had been stacked. Therefore, had Taylor not altered the composition of Military Affairs as he did, it is unlikely the committee would have opened the gates for legislation so despised by Calhoun.

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are two of the pillars of Clay's political-economic plans.

Thus, sectarian maneuvers were afoot within the committee system during the 16th House. The Crawford-dominated Military Affairs select committee in the second session used its influence to scuttle Calhoun's position on the size of the Army. Taylor, through his appointments, made a significant contribution toward Crawford's success.

Taylor's behavior on the Missouri issue and army retrenchment set the stage for the battle in the next Congress over its organization. Taylor had alienated the South in the Missouri debate by his tacit support of slavery restrictionists. However, if it had simply been a question of his stance on slavery, Taylor could have counted on reelection as Speaker. The North, after all, had a majority of seats in Congress. Taylor's stance on the second dimension, therefore, may have been crucial. Having sided with Crawford over Calhoun by stacking Military Affairs with Radicals, Taylor left himself open to attack from other players on the national stage who had presidential ambitions.

Taylor's reelection hopes were dealt another serious blow in 1821 when his primary base of support in the North crumbled. His Clintonian faction had traditionally been the majority power in New York state, and Taylor believed their continued support was crucial to his reelection hopes as Speaker. The Clintonians, however, were routed by the Bucktails in the congressional elections of 1821, and Martin Van Buren, the Bucktail leader and freshman Senator from New York, was determined to lead his partisans against Taylor's reelection bid. Van Buren believed that Taylor had been sympathetic to the Clintonians while Speaker, and he preferred to install someone who would favor his Bucktails (Spann 1960, pp. 391–92; Niven, 1983, pp. 104–05). Further, Van Buren intended to rebuild the old intersectional Jeffersonian party of the pre-Era of Good Feelings period—principally, a New York-Virginia alliance—in order to set and

to control the national political agenda into perpetuity (Nichols 1967, p. 264; Cole 1984, p. 104; Greenstone 1993, p. 155).

Van Buren planned to begin his party-building efforts around the speakership election of 1821, which he believed would have powerful implications for the presidential election of 1824. Based on Taylor's performance in the 16th House, it was clear that the Speaker could be a major player in the presidential drama, as he was in a position (1) to mobilize the legislative powers of the House behind a favored candidate and (2) to use his appointive and bill-referral powers to harass the remaining candidates. Van Buren planned to use the Speakership election and the resulting congressional session as opportunities to rebuild alliances, which he would then use to reestablish the validity of the congressional nominating caucus (Spann 1960, p. 391; Nichols 1967, p. 254; Niven 1983, p. 104).

Van Buren saw Crawford as the candidate most likely to win in 1824 and eventually emerged to manage Crawford's presidential campaign (Mooney 1974, p. 220-21; Munroe 1973, p. 117). To pave the way for his candidate's success, Van Buren arrived in Washington and approached Taylor's enemies, Calhoun and Secretary of the Navy, Smith Thompson.<sup>11</sup> Calhoun and Thompson were unsure about Van Buren's political stripes—it was not yet clear that he was operating for Crawford—but nevertheless were eager to aid in defeating Taylor (Hemphill, 1971, vol. VI, p. xvii; Niven, 1983, pp. 105–06).

While Van Buren was building support against Taylor's candidacy, Taylor was at work rebuilding bridges. He persuaded Adams that, given another opportunity, he would be a willing

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11. Thompson, like Calhoun, blamed Taylor and his appointments to the Naval Affairs select committee for the reductions in his departmental budget, in which the annual allotment for the construction of new ships was cut in half, from \$1,000,000 to \$500,000 (*Annals*, 16-2, p. 1830; Adams 1875, vol. V, pp. 437–39)

friend to the administration. While not premeditatedly, as Calhoun claimed, Taylor admitted that he made some poor committee appointments (Adams 1875, vol. V, pp. 428–29, 432, 439).

Adams took Taylor's apology/offer at face value and believed he would serve the administration well in the next Congress. Unfortunately for Taylor, Adams could not convince President James Monroe to voice his support, as Monroe, instead, "concluded to take no part whatsoever in the election of the Speaker" (Adams, 1875, vol. V, p. 436).

Without Monroe's support and unable to draw on a stable of Clintonians as before, Taylor entered the balloting without the support necessary for a quick victory. Caesar Rodney, a first term MC from Delaware, was chosen by Van Buren, with the approval of Calhoun and Thompson, to oppose Taylor (Niven 1983, p. 107). Samuel Smith of Maryland and Louis McLane of Delaware also threw their hats into the ring.

On the first day of balloting, Rodney received a large bloc of Northern votes, but could not attract the support of Southern MCs because he supported the restriction of slavery in Missouri and because "they considered him a Clayite" (Munroe 1973, pp. 122–23; Adams 1875, vol. V, p. 437). Smith was unable to build any momentum throughout the day, while McLane, who voted with the South on the Missouri issue, could not overcome his Federalist background (Munroe 1973, p. 121-23). Thus, the day ended without the election of a majority winner.

That evening, Van Buren met with various state delegations and conferred with Calhoun and Thompson, which led to the selection of Philip P. Barbour of Virginia as his new "white knight" (Niven 1983, pp. 107–08; 1988, pp. 94–95). After five ballots on the second day, Barbour was elected Speaker, with 88 out of 172 votes cast (*Annals* 17-1, Dec. 3, 1821, p. 516; Leintz, 1978, p. 71). Van Buren's choice of a Southern candidate proved to be decisive only in

concert with Thompson's and Calhoun's lobbying (Adams 1875, vol. V, p. 451; *Niles' Weekly Register*, vol. XXI, p. 243). Although Barbour's allegiance to states' rights and traditional Jeffersonian maxims was instrumental in capturing Southern support, contemporary press accounts reported that Thompson and Calhoun finished the deal: Thompson, in concert with Van Buren, used his influence in New York to draw fifteen votes from Taylor, while Calhoun exercised his connections in Pennsylvania to siphon an additional eighteen votes from the New Yorker (*Niles' Weekly Register*, vol. XXI, p. 242).

We can supplement this traditional narrative account of the 1821 Speakership battle by using W-NOMINATE scores to illustrate the puzzling nature of the final vote that emerged to elect Barbour Speaker. In Figure 3 we show the overall House distribution of first-dimensional W-NOMINATE scores, the location of all the major Speaker candidates who emerged over the 12 ballots, and the spatial location of the principal outsiders who had an interest in the outcome of the balloting. (The location of the House median and the Taylor/Barbour cut line will come into play shortly.)

The balloting started with Taylor, Rodney, McLane, and Smith each receiving at least 20 votes (Leintz, 1978, p. 71).<sup>12</sup> Taylor was alone on the "right" side of the issue space—the part occupied by slavery restrictionists in the previous Congress. The three remaining candidates split the "anyone but Taylor" vote, with two (Smith and McLane) occupying more moderate positions and Rodney occupying a more radical position.

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12. Unfortunately for us, voting for Speaker during this period was via secret ballot. Therefore, we cannot directly corroborate the spatial accounting of these events. However, the events as they unfolded are entirely consistent with this spatial account, and therefore we are confident in it.



This spatial accounting would lead us to predict that Taylor would win a plurality of the vote, with the other three candidates getting the rest. This is exactly what happened: On the first ballot, Taylor received 60 votes, Rodney, 45, McLane, 29, and Smith, 20. (Seven votes scattered.) McLane eventually dropped out, leaving the tally on the last ballot of the day at Taylor, 77 votes, Rodney, 59, and Smith, 26. On the first ballot of the second day Barbour had entered the fray, but the anti-Taylor vote was almost evenly split: Taylor received 64 votes to Rodney's 36, Smith's 25, Barbour's 35, and a scattering of 12 votes going to other candidates. It was on the *next* ballot in which Rodney's and Smith's totals began marching steadily downward in favor of Barbour, until Barbour bested Taylor, 88-67, with 17 scattered votes.

The spatial accounting of the Speakership contest leaves a significant puzzle: how could Philip Barbour, the most extreme Radical Southerner in the 17th House, defeat John Taylor, who was much closer to the House's ideological center? The historical account, of course, has emphasized non-spatial considerations—the coalition-building that centered around Van Buren. How did Van Buren pull off this deal?

Although the historical details of the deal are sketchy, we posit the following explanation: Barbour was given the Speakership with the understanding that he could not stack the standing committees with his ultra followers. In his effort to construct a new national party, Van Buren, we contend, could not allow Barbour to appoint outlier committees; rather, if collective goals were to be fostered, a heterogeneously distributed, centrist coalition needed to be created. Therefore, we investigate whether committees were representative of the underlying population by applying two common techniques in the literature, a Wilcoxon difference-in-medians test and an  $F$  test for variance (see Krehbiel 1991; Cox and McCubbins 1993).

For each set of tests, we use first dimension D-NOMINATE scores as our measure of preferences. First, we apply the Wilcoxon test to compare Barbour-created committee medians to non-committee medians in the first session of the 17th Congress, with the null hypothesis being representative committees. Because we have priors regarding Barbour's location in the space (far to the left), we use a one-tailed test. If committees were composed of Radical extremists like Barbour—i.e., preference outliers on the left side of the spectrum—then committee medians should be significantly smaller than non-committee medians, allowing us to reject the null of representativeness. Second, we use a one-tailed  $F$  test to compare the spreads of committees against the spread of the underlying population. If committees were indeed representative, they should be composed of a heterogeneous group of members, and their spreads, therefore, should reflect the spreads of their non-committee counterparts. If committees were non-representative—composed entirely of one group, like the Radicals—they should appear homogenous relative to the underlying population, i.e., their spreads should be significantly smaller than the spreads of their non-committee counterparts.

Our findings are presented in Table 4, in two separate forms. First we test whether committees were representative of the entire House and, second, whether the Republican contingents on committee were representative of the overall Republican contingent in the House.<sup>13</sup> Wilcoxon-test results indicate that *none* of the thirteen committees in the House model and only *one* of the thirteen committees in the Republican model were composed of preference outliers, as the null hypothesis of representative committees cannot be rejected at the 5 percent

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13. Party codes are taken from Martis (1989).

level (one-tailed test), except in one case (Judiciary).<sup>14</sup> Even stronger results are discovered from the variance-based tests. *None* of the thirteen committees in *either* model have spreads that are significantly less heterogeneous than their non-committee counterparts, as the null hypothesis of representative distributions cannot be rejected at the 5 percent level (one-tailed test) in *any* of the cases. Moreover, increasing the level of significance to 10 percent does not result in the rejection of the null (whether medians or spreads) in *any* additional cases. Thus, despite the election of a *distinct* ideological outlier to the Speakership, the composition of committees was representative of the preferences and distribution of the underlying population.

Looking at committee rosters more closely, we also note that all of the major Speaker candidates received an important assignment, including Taylor. The two centrists whom historians note overtly gave up support in favor of Barbour were rewarded with chairmanships: McLane chaired Naval Affairs and Smith chaired Ways and Means. In addition, both Rodney and Taylor were placed on Foreign Affairs.

That a deal involving committee composition was constructed around the speakership election is consistent with developments to come later in the first session, to which we now turn. For the moment, we treat the possibility of a deal to be potentially a critical link in understanding how the standing committee system became further entrenched during the 17th Congress.

The issue that had dominated the 16th Congress was Missouri. In the first session of the 17th, the dominant issue was the census. The apportionment bill dashed all hopes that regionally-based gridlock was behind the House. The apportionment bill prompted the creation of a “Grand

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14. We limit our discussion to seven-man standing committees here. Similar results are uncovered in an analysis of the eight three-man standing committees.

Committee,” consisting of a member appointed from each state (*Journal*, 17-1, Dec. 20, 1821, p. 81). Such a committee, which was common in the early days of the Republic when great matters of state were under consideration and factional distrust ran high, had not been seen since the 11th Congress. The reapportionment committee reported out a bill that proposed an apportionment ratio of one member per 40,000 residents, which would result in some states losing members. Furthermore, the mathematically-astute realized that with only the slight tweaking of the formula, one’s state could do better under alternative arrangements. Consequently, the House endured a protracted legislative battle, lasting nearly a month and producing 16 of the 95 roll calls that occurred for the entire Congress.<sup>15</sup> The endless debate and voting inflamed tempers. Infinitesimal differences among succeeding motions, serial motions to refer to different committees, and other dilatory tactics not only exacerbated tensions, but also encouraged one of John Randolph’s patented filibusters, which was always guaranteed to raise the collective blood pressure of the House.

Corresponding with the commencement of committee consideration of the apportionment bill, tensions flared over the referral of legislation about which certain constituents and local governments had a keen interest. John Rhea (Rep.-Tenn.) and former-Speaker Taylor found themselves at loggerheads over whether the reform of the pension system for Revolutionary War veterans should be referred to a select committee or to the standing committee on Pensions and Revolutionary Claims (*Annals*, 17-1, Dec. 5–6, 1821, pp. 519, 523-24). The motion of John Nelson, of Maryland, to create a select committee to craft a bill providing for the use of public land sales for the benefit of education in the “old” states, met with a protracted debate, with

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15. The debate stretched from January 11 to February 6, 1822 and is amply documented in the *Annals of Congress*.

opponents of the motion insisting that such a bill should be referred to the Public Land Committee (*Annals*, 17-1, Dec. 11, 14, pp. 537, 710–15). A motion to refer a general inquiry into the state of Indian treaties to an existing select committee that had been charged with investigating the American occupation of the Pacific Northwest met resistance from those who wanted it referred to a separate select committee (*Annals*, 17-1, Dec. 14, 1821, pp. 550-51). The motion to create a select committee to inquire into the fugitive slave issue met resistance from those who wanted it sent to the Judiciary Committee (*Annals*, 17-1, Dec. 17, 1821, p. 557) . These skirmishes on matters of bill referral finally came to a head on February 2, 1822, when a lengthy debate took place about granting land for missionary efforts among the Indians. Henry Baldwin (Rep-Penn.), a Calhounite, requested that the issue be referred to the Committee on Public Lands, while John Floyd (Rep.-Va.), a Crawford supporter, proposed to amend the motion to refer it instead to the newly-established standing Committee on Indian Affairs (*Annals*, 17-1, pp. 878–80; *Niles' Weekly Register*, Feb. 9, 1822, p. 378).

Three days later, Baldwin submitted the following resolution adding to the Standing Rules:

Whenever a resolution shall be offered, or a motion made, to refer any subject whatever to a committee, and different committees shall be proposed to which such reference shall be made, the question shall be taken upon the reference to such one of the committees which shall be proposed as is first in the following order or arrangement, that is to say: the Committee of the Whole on the state of the Union; the Committee of the Whole; a standing committee of the House; and between two or more standing committees, the one first proposed; a select committee. (*Annals*, 17-1, Feb. 5, 1822, p. 911.)

On February 6, the same day the House passed the apportionment bill, it also considered Baldwin's resolution to alter the rules. Hugh Nelson of Virginia moved to amend Baldwin's

resolution, “so as to raise a Select Committee, to revise the standing rules of the House generally,” to which Baldwin assented, (*Journal*, 17-1, Feb. 6, 1822, p. 239; *Annals*, p. 920).

The motion was adopted by the House, and Speaker Barbour appointed a seven-member select committee pursuant to the rules: Nelson was appointed chair and was joined by Baldwin, former-Speaker Taylor, Burwell Bassett of Virginia, Lewis Condict of New Jersey, Samuel Smith of Maryland, and Charles Rich of Vermont (*Journal*, 17-1, p. 239).

This was a group of highly experienced men, during a time of high turnover in the chamber. The average member of this committee had served 5.4 terms, compared to the House average of 2.2 terms in the 17th Congress. Baldwin was the least senior member, having served only three terms in the House. The committee was balanced as well, representing the commercial (Taylor, Rich, Smith), manufacturing (Condict and Baldwin), and agrarian (Nelson and Bassett) interests of the nation. Two members (Taylor and Smith) had been principal vote-getters in the speakership contest. Ideologically, the committee was not stacked in favor of either Crawford or Calhoun, nor did Barbour stack it with Southern partisans. In fact, a spatial analysis suggests that the committee slightly favored the Adams-Clay-Taylor side of the political spectrum.

The House Select Committee on Modifications to the Standing Rules of the House worked for a month and then reported. It suggested several procedural and structural changes that were adopted by the House. Included were changes tightening-up the prohibitions against speaking more than once on a subject, limiting dilatory motions during debate, prohibiting debate on the motion to table, limiting motions to strike out, and raising the threshold for the motion to suspend the rules to two-thirds (*Journal*, 17-1, Mar. 13, 1822, pp 350–51). The changes were

“intended primarily to lend greater structure and predictability to management of chamber business” (Binder 1997, p. 89; see also Cooper and Young 1989, Bach 1990).

These changes were discussed by Binder (1997, pp. 89–92). Of more interest to us was a series of changes which, together, bolstered the position of standing committees. The Military Affairs, Naval Affairs, and Foreign Affairs Committees were elevated to standing committees status and a variant of Baldwin’s original motion, specifying that if there was a dispute about where to refer a bill or resolution, standing committees would be privileged over selects in the voting that would resolve the question, passed. Cooper and Young (1989) regard these changes, combined with the reform in the 15th Congress which granted all standing committees the right to report bills in their domains without permission from the floor, to secure formally the position of House standing committees, at least with respect to referral and reporting.

Unfortunately for us, no justification for the elevation of these three committees was given in the report of the special rules committee, and the fact was not mentioned in debate. The only mention of these three committees in debate was an attempt to make consistent the brief jurisdictional statements of the three, and then an aborted attempt to elevate the select committee on the militia to standing committee status.

The most plausible justification is this: The rules committee (and apparently the whole House) desired to privilege the standing committees in the flow of legislation. That was impossible so long as three of the most important committees were formally select committees. With Clay absent from the chamber for a Congress, whatever personal reasons Clay may have had to make exceptions for these three committees could not be defended by him. Thus the line of least resistance was to end the anomalous status of these three committees.

### *Discussion*

The 17th Congress witnessed the most significant long-term rules reform during the early nineteenth century. Yet, as is the case with all other such rules changes of this era, we have no direct testimony from the principals involved about what was motivating these changes. Hezekiah Niles's judgement in his *Weekly Register* that these "matters were not of interest enough to our readers to detail" was already recorded above. Thus, we must speculate about the motivations behind these changes. The two arguments we have put forward in this section to explain the presence of this reform in the committees are distinct, yet complementary, speculations that are consistent with theory and the evidence.

Probably the most fundamental theoretical notion of social choice theory as applied to legislatures is found in McKelvey's "chaos results" of pure majority rule voting in a multidimensional issue space. Most of us regard the chaos result to be an important theoretical construct, but of little practical relevance to the modern Congress. To the Congresses we are exploring, McKelvian chaos was palpable: It had already consumed one entire Congress over the question of Missouri and nearly consumed the first half of the next with the question of apportionment. Without the basis for some sort of structure-induced equilibrium, the House had devolved into substantive chaos over the two questions. It had flirted with institutional chaos, too. The two most recent speakership elections, absent the dominating personality of Henry Clay, had required numerous ballots to resolve. Without the glue of party to structure the organizing equilibrium in the 17th Congress particularly, the organization of the House that had been effected



with the election of Speaker Barbour was, in effect, being renegotiated every time a new item of business was brought to the House floor needing a referral to committee.

From our preliminary analysis of committee appointments made by Taylor in the 16th Congress and Barbour in the 17th, it seems clear that the resolution of those contests involved distributing assignments to desirable committees. Of course, the strategies employed by Taylor and Barbour were different: Taylor used assignments to favor his faction explicitly, while Barbour more carefully placated different factions among the fractious Republicans. So, we certainly cannot say that there was a *single* best way to organize the committee system during the Era of Good feeling from the perspective of establishing a legislating equilibrium. But of this much we are certain: If the House rules did not give to the Speaker the authority to channel legislation once he had been elected, then no deal that produced a majority coalition to elect a Speaker would be credible. Likewise, if the House rules did not provide for attractive institutional positions that could be distributed among pretenders to the Speakership and their followers in return for standing aside in favor of a single dominant Speaker candidate, Congress would have been incapable of legislating.

Such concerns seem foreign to modern sensibilities, where no multi-ballot contest for the Speakership has occurred in living memory of any practicing political scientist. From the perspective of the 17th Congress, however, the House had just experienced a cycling of the Speakership from a western proto-Whig to a Northern slavery restrictionist to a Southern slavery expansionist. This occurred within the span of two years without an appreciable shift in House membership. Looking ahead from the 17th Congress (and, of course, with the benefit of knowing

what the future would bring), we also know that of the next twenty antebellum Speakership elections, seven would require multiple ballots to resolve. Institutional chaos was real.

Another factor lurking around the corner throughout this case is the even larger problem of organizing the federal government beyond Congress. Parties had disintegrated. Not only did this have implications for legislating, it had implications for electing presidents. For a generation, presidents had emerged out of agreements among the congressional caucuses about how the party faithful should coordinate their behavior each quadrennium. No more. If Congress was to be involved, in the late 1810s it appeared that it would be through the constitutional process of breaking deadlocks through voting in the House. Elsewhere, we have provided evidence that Speaker Henry Clay, assuming the next presidential election would be decided in the House, doled out institutional favors in his pursuit of that office (Jenkins and Stewart 1998; Jenkins 1998). Although he was eliminated from the 1824 election, he did preside over the House that broke the deadlock in favor of Adams. One of the reasons charges of a “corrupt bargain” between Clay and Adams seems so believable is that Clay had not been shy about using his institutional position to try and influence the outcome of the 1824 presidential contest long before his behavior became the subject of close scrutiny. (But see Jenkins and Sala 1998.)

And, of course, along with chaos in Congress and within the presidential selection process came new efforts to try and reconstruct durable coalitions capable of winning elections, i.e., parties. In light of Aldrich’s (1995) argument concerning Van Buren’s spearheading of the old Jeffersonian coalition, we find Van Buren’s important behind-the-scenes tactical role in the speakership contest of 1821 suggestive that he regarded a stable House to be a linchpin to his overall plans.

Given the paucity of direct evidence about motivations, all these must be regarded as, at best, plausible conjectures. Yet, they also help to suggest future directions of research—either that attempt to delve even deeper into the archival materials of the period we cover here or that address issues of congressional organization moving forward. For instance, beginning with the 26th Congress (1839), Speakership ballots began to be cast publicly. If committee assignments were the key resource that was distributed on the way to constructing a majority coalition to organize the House, that should be evident as the data get better.

#### IV. Conclusion

In the introduction we asserted that a comprehensive view of why the House began to rely on standing committees is still only preliminary. At the end of this essay we can conclude that not only is scholarship about the subject preliminary, but the standing committees themselves were preliminary. At the point where we leave the committee system, the House was only just settling on the principle that the standing committees should dominate the review of legislation in earnest. It would be yet another half century before the standing committees would secure most of the basics on which their modern influence rests, like the closed rule. And it would be yet another century and a quarter before other bases of that influence, like staff resources and carefully-delineated formal jurisdictions, would be codified (c.f. King 1997).

Even though the standing committees of the 1820s did not possess the full array of parliamentary privileges and attendant power that we ascribe to modern committees, they were key ingredients in efforts among antebellum representatives who sought to manufacture coherence within a national legislature. That the antebellum committees did not possess the qualities

assumed by modern rational choice students of committees does not mean the organization of these committees is beyond the analysis of scholars who work in the rational choice tradition.

Quite the contrary. The social choice dilemmas faced by early nineteenth century legislators were, in many ways, more fundamental than those faced today. This fact makes the study of early committee organization using modern social science techniques all the more important.

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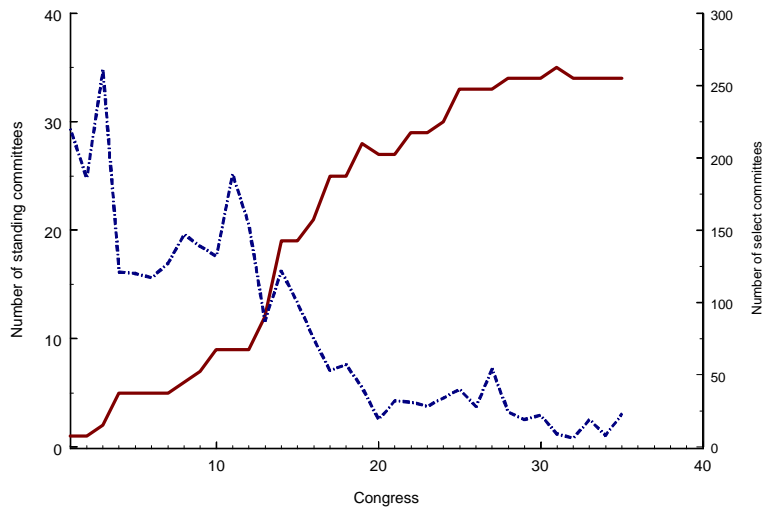
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Figure 1. Number of House standing and select committees, along with percentage of House members holding appointments on House committees, 1789–1855. (Solid line = standing committees; dashed line = select committees)

a. Number of House select and standing committees



b. Percentage of House members holding at least one standing and select committee assignment.

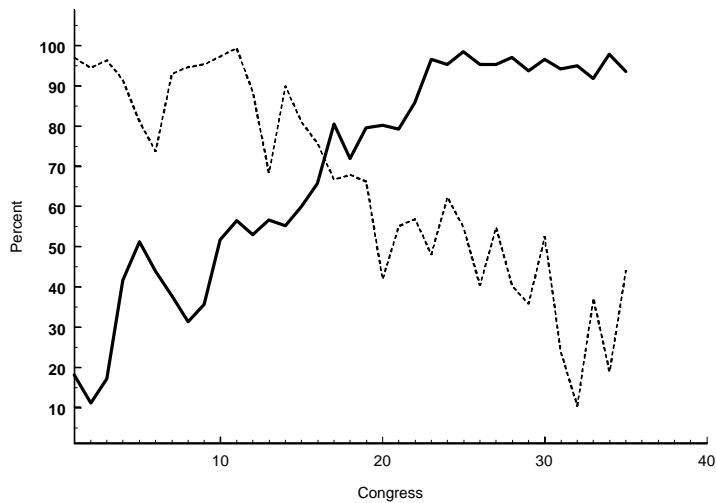
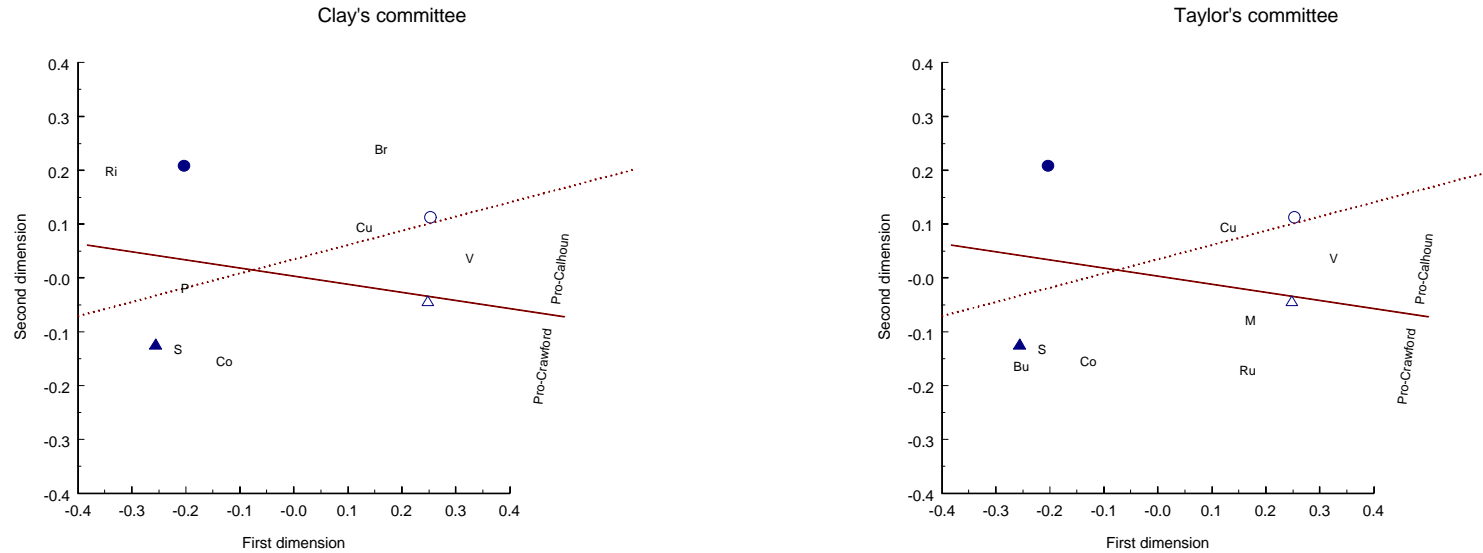


Figure 2. Ideological location of members of Select Committee on Military Affairs, 16th Congress, 2nd session, using Poole W-NOMINATE scores.



**Symbols:**

*Members of Military Affairs Committee:*

Alexander Smyth (S); S. Van Rensselaer (V); John Cocke (Co); Joshua Cushman (Cu); Hutchins Burton (Bu); Robert Moore (M); John Russ (Ru); Brush (Br); Ringgold (Ri); Parker (P)

*Cabinet members:*

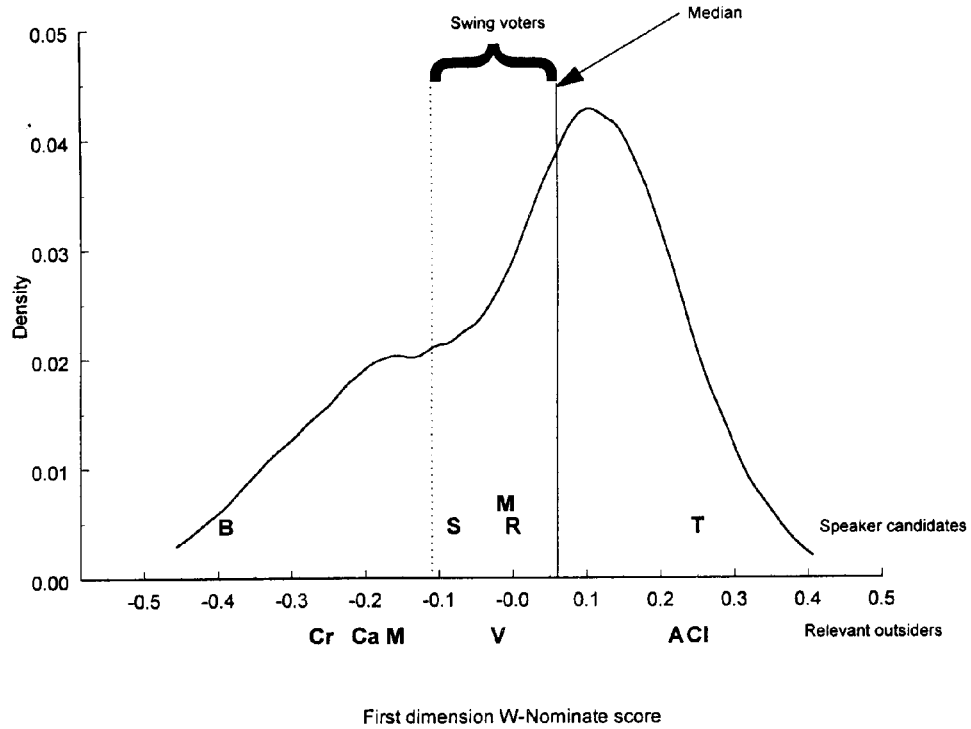
John C. Calhoun (Solid circle)  
William Crawford (Solid triangle)

*Speakers:*

Henry Clay (Empty circle)  
John W. Taylor (Empty triangle)

*NB:* The solid line separates House members into two regions, according to proximity to Calhoun and Crawford. The dotted line separates House members into two regions, according to whether they were predicted to support or oppose Army retrenchment (See Table 3 for probit analysis.)

Figure 3. Spatial summary of 1821 Speakership fight.



**Speaker candidate symbols:**

**B:** Philip P. Barbour  
**T:** John W. Taylor  
**R:** Caesar Rodney  
**M:** Louis McLane  
**S:** Samuel Smith

**Relevant outsider symbols:**

**Cr:** Crawford  
**Ca:** Calhoun  
**V:** Van Buren  
**A:** J.Q. Adams  
**Cl:** Clay

Table 1. Creation dates of House standing committees, 1789–1855.

Cong.	Speaker	Housekeeping/ Internal	Claims/ Private legislation	General legislation	Executive oversight
1	Muhlenberg	Elections			
2	Trumbull				
3	Muhlenberg		Claims		
4	Dayton	Revisal & Unfinished Business		-Commerce & Manufactures* -Ways & Means	
5	Dayton/Dent				
6	Sedgwick				
7	Macon				
8	Macon	Accounts			
9	Macon			Public Lands	
10	Varnum	District of Columbia		Post Office & Post Roads	
11	Varnum				
12	Clay				
13	Clay/Cheves		Pensions & Revolutionary Claims**	Judiciary	Public Expenditures
14	Clay		Private Land Claims		Expenditures in the Departments of State, Treasury, War, Navy, P.O., and in Public Buildings (6 committees)
15	Clay				
16	Clay/Taylor			Agriculture	
17	Barbour			-Indian Affairs -Foreign Affairs -Military Affairs -Naval Affairs	
18	Clay				
19	Taylor		Military Pensions	Territories	
20	Stevenson				
21	Stevenson		-Revolutionary Pensions -Invalid Pensions		
22	Stevenson			Roads & Canals	
23	Stevenson/ Bell				
24	Polk			Militia	
25	Polk	Mileage		-Patents -Public Buildings & Grounds	
26	Hunter				
27	White				
28	Jones	Engraving			
29	Davis				
30	Winthrop				
31	Cobb	Rules***			
32	Boyd				
33	Boyd				
34	Banks				
35	Orr				

\*Separate committees on Commerce and Manufactures were appointed in the 16th Congress.

\*\*Name changed to Revolutionary Claims in the 19th Congress

\*\*\*While the Rules Committee was designated a standing committee in the 31st Congress, the rules change was not codified. The House again elevated Rules to standing status in the 46th Congress.

Table 2. Percentage of public expenditure committee members who were rookies, 13th – 35th Congress (1814 – 1859), compared to the Ways and Means Committee and the entire House.

Congress	Committees			
	Public Expenditures	Department-specific expenditure committees	Ways and Means	House of Representatives
13	33	–	29	58
14	29	44	14	50
15	71	46	29	65
16	57	53	0	51
17	71	50	57	56
18	57	44	0	55
19	43	39	0	39
20	29	39	0	40
21	43	44	29	48
22	29	56	0	42
23	67	80	22	56
24	44	47	3	46
25	89	77	33	53
26	33	53	11	55
27	44	47	22	51
28	56	70	33	75
29	78	83	0	56
30	44	57	22	57
31	78	87	11	59
32	78	60	22	59
33	78	87	0	64
34	78	72	33	62
35	56	83	0	50

Table 3. Vote to approve cutting the standing army by 40%, from 10,000 to 6,000 soldiers, officers and enlisted men, and slash appropriations for military fortifications by nearly 75% (standard errors in parentheses).

Variable	Coefficient (s.e.)
Constant	0.33 (0.13)
W-NOMINATE first dimension	2.46 (0.78)
W-NOMINATE second dimension	-9.26 (1.45)

Table 4. Testing the representativeness of House committees, 17th Congress.

	House Model		Republican Model	
	$p$ -value $Med_{House}=Med_{Com}$	$p$ -value $\sigma^2_{House}=\sigma^2_{Com}$	$p$ -value $Med_{Rep}=Med_{Com}$	$p$ -value $\sigma^2_{Rep}=\sigma^2_{Com}$
Agriculture	0.18	0.71	0.31	0.71
Claims	0.66	0.65	0.71	0.61
Commerce	0.45	0.41	0.37	0.24
D.C.	0.85	0.43	0.98	0.18
Elections	0.30	0.66	0.34	0.62
Judiciary	0.20	0.65	0.02	0.11
Manufactures	0.27	0.34	0.34	0.29
Post Office	0.59	0.55	0.62	0.51
Private Land Claims	0.57	0.39	0.59	0.44
Public Expenditures	0.68	0.43	0.16	0.42
Public Lands	0.56	0.62	0.45	0.61
Revolutionary Claims	0.19	0.18	0.25	0.15
Ways & Means	0.22	0.60	0.26	0.55

Note: Tests were are conducted using D-NOMINATE scores. All test results are one-tailed. The alternative hypotheses are:  $Med_{House} > Med_{Com}$ ;  $\sigma^2_{House} > \sigma^2_{Com}$ ;  $Med_{Rep} > Med_{Com}$ ; and  $\sigma^2_{Rep} > \sigma^2_{Com}$